

Remarks

Claims 11-29 are currently pending in this application.

The claims have been amended to limit the claims to chewing gum compositions containing extracts of *Olea europensis* and/or *Trifolium pratense*. Applicants respectfully submit that the incorporation of extracts of *Olea europensis* and *Trifolium pratense* are neither taught nor suggested by the prior art references cited by the Examiner. In particular, there is neither teaching nor suggestion to include the extracts and the active principles from the *Olea europensis* plant and the *Trifolium pratense* plant as an additive for a chewing gum material.

Empie discloses the known properties of certain extracts. One of the extracts cited in Empie is the extract of red clover. *Trifolium pratense* is purple clover and not red clover and would neither be taught nor suggested by Empie et al. In addition, Empie is completely silent concerning encapsulated extracts and their inclusion in a chewing gum composition.

Claim 11 stands rejected under 35 U.S.C. 102(b) as anticipated by Empie et al. (U.S. 6,261,565B1). Applicants respectfully submit that a rejection of claim 11 under 35 U.S.C. 102(b) over Empie et al. is untenable and Applicants respectfully request that the rejection be reconsidered and withdrawn.

The rejection appears to be based on the Examiner's understanding that *Trifolium pratense* is the same plant as red clover. As set forth in the present application, *Trifolium pratense* is the Latin name for purple clover. Applicants respectfully submit that the extract of *Trifolium pratense* is completely different from the extract of red clover disclosed in Empie et al. Applicants respectfully submit that to be a reference on which a rejection under 35 U.S.C. 102(b) can be based, the reference must show each and every limitation in the claim. In this case, Empie et al. fails as a reference on which a rejection under 35 U.S.C. 102(b) can be based in that Empie neither teaches nor suggests use of an extract of *Olea europensis* or *Trifolium pratense*.

(purple clover). Applicants therefore respectfully request that the rejection under 35 U.S.C. 102(b) over Empie et al. be reconsidered and withdrawn.

Claims 11-29 stand rejected under 35 U.S.C. 103(a) as unpatentable over Empie et al. (U.S. 6,261,565B1) and Gurin (U.S. 2002/0160077A1). Applicants respectfully submit that Empie et al. and Gurin, whether considered alone or in combination, neither teach nor suggest the present invention.

As presently amended, the main claim is directed to a chewing gum composition containing an extract of a plant selected from the group consisting of *Olea europensis* and *Trifolium pratense* (purple clover). Applicants respectfully submit that Empie et al. is completely silent concerning the use of extracts of *Olea europensis* and *Trifolium pratense* as a curative for certain conditions.

The deficiencies in Empie et al. are not cured by combination with Gurin. Gurin discloses a chewing gum composition which contains a lipolyzed or enzymatically treated triglyceride described in the specification as ELMT. Gurin mentions that extracts can be included in a chewing gum composition and that encapsulated components can also be included in the chewing gum composition. However, Gurin is completely silent concerning the nature of the extract and, in particular, an extract of the plant *Olea europensis* or *Trifolium pratense*.

Applicants respectfully submit that the rejection is untenable since there is no mention of either an extract of *Olea europensis* or *Trifolium pratense* in either Empie et al. or Gurin. Applicants therefore respectfully submit that the combination of references cannot teach or suggest the present invention. Favorable consideration in withdrawal of the rejection is respectfully requested.

Claims 11-29 stand rejected under 35 U.S.C. 103(a) as unpatentable over He et al. (U.S. 6,413,546B1) and Gurin. Applicants respectfully submit that He et al. and Gurin, whether considered alone or in combination neither teach nor suggest the present invention. The Examiner states: "He et al. teaches disintegratable tablets

containing isoflavone from red clover and soybean (column 1, lines 36-37; column 2, lines 5-7)." Applicants respectfully submit that nowhere in Gurin can Applicants find a teaching or suggestion that an extract of *Olea europensis* and/or *Trifolium pratense* be utilized in a chewing gum formulation. *Trifolium pratense* is the purple clover plant. He et al. discloses the use of an extract of a leguminous plant such as soybeans, red clover, Schigandra, and the like. Applicants respectfully submit that none of these plants are *Trifolium pratense* (purple clover). Applicants respectfully request that the Examiner reconsider his understanding of the nature of red clover in relation to the *Trifolium pratense* useful in the practice of the present invention.

Since extract of *Trifolium pratense* is neither taught nor suggested in He et al. or Gurin, Applicants respectfully submit that the combination of references neither teaches nor suggests the present invention.

In addition, none of the Empie et al., He et al., or Gurin references teaches or suggests the invention claimed in claims 16 or 22.

Applicants respectfully submit that the rejection of the claims over He et al. in view of Gurin is untenable since nowhere in either of the references is the use of an extract of *Trifolium pratense* taught or suggested, or the use of an extract of *Trifolium pratense* in the form of microcapsules in a chewing gum formulation.

In view of the amendments entered in the claims and the above discussion, Applicants respectfully request that the rejection of the claims under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) be reconsidered and withdrawn.

Applicants respectfully submit that the amendments to the claims overcome the

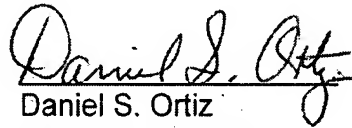
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informalities noted by the Examiner. Favorable consideration of the claims in their amended form is respectfully requested.

Respectfully submitted,



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